THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6019 OF 2006

DATED: 27-03-2006

BETWEEN

Smt. Pamidimukkala Vijaya,

W/o. Dr. P.V. Raghava Sarma,

Occ: Doctor, 12-21-61, Kothapet,

Guntur, Guntur District.

...PETITIONER

AND

Guntur Municipal Corporation

Rep. by its Commissioner,

Guntur, Guntur District.

...RESPONDENT

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent.

Learned counsel for the petitioner submits that the petitioner and her husband are doctors and they have been running a Super Speciality Hospital in the premises bearing No.12-21-12, Gowri Shankar Theatre, Kothapet, Guntur and the landlord of the said premises

obtained permission from the respondent for constructing the building with cellar, ground, first and second floors on 09.04.1999 vide permit in BA.No.262/1999/G3. He further submits that the petitioner uses a portion of the cellar and there is sufficient area provided for parking. He further submits that none of the terms and conditions of the sanction plan and the permission have been violated either by the builder or by the lessees; but without issuing a notice under Section 452 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act') with regard to the alleged deviations or contraventions,
the respondent is threatening to demolish the said premises of the petitioner.

I am not inclined to express any opinion as to whether the cellar is earmarked for parking and as to whether the parking area has been mis-utilized by the petitioner but it is for the respondent to issue a notice, specifying the deviations, calling upon the petitioner to submit her explanation as to why the said unauthorized structures shall not be demolished.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondent to issue a notice to the petitioner and then take appropriate action in accordance with law.

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V. ESWARAIAH, J

March 27, 2006

DSK